

REMARKS

Applicant hereby submits this Response and Amendment to respond to the Examiner's Answer mail dated June 9, 2009. Applicant thanks Examiner Tran for the brief telephone interview on August 7, 2009 regarding the status of this case, the confirmation of allowance of all of claims 1-49 and 51, and the willingness to address the procedural aspects of how the Applicant should respond if they wish to cancel claim and proceed ASAP to an issued patent. Applicant thanks the Examiner for her follow-up on August 10, 2009 in this regard and her recommendation to file the Reply Brief. Applicant hereby submits this document for the Examiner's convenience.

Applicant has decided to file this Response and Amendment in addition to a Reply Brief in response to the Examiner's Answer mail dated June 9, 2009 because at (3) Status of Claims section in the Examiner's Answer, the Examiner indicated that "claims 1-49 and 51 are now indicated as allowed.", and so doing will hopefully expedite the issuance of the present patent application. Applicant thanks the Examiner for her reconsideration on Appeal and for noting that claims 1-49 and 51 contain allowable subject matter. Therefore, noting that the present patent application has been pending since September 3, 2003, for sake of expediency Applicant hereby cancels claim 50 without prejudice or disclaimer so that this patent application may be removed from Appeal and issued with claims 1-49 and 51 as allowed claims.

With respect to the Examiner's comments relative to claim 50 in the Examiner's Answer, Applicant thanks the Examiner for providing the additional detail in her explanation of the facts and law supporting her rejection. Applicant wished that this

detail had been provided during the earlier prosecution of this patent application (e.g., at least by the final Office Action dated May 17, 2007) so that the Applicant had reasonably sufficient time to consider and respond to the Examiner's points of concern about the patentability of claim 50. Applicant does not feel that having the opportunity to respond to these points to occur for the first time in a Reply Brief is reasonable. Given the present status of the related claims and the belated allowance of claims 1-49 and 51, Applicant would rather remove this case from Appeal and cancel claim 50 than try to amend or argue any points about this claim on Appeal, or even in prosecution, and risk further delay in the allowance of the other claims, claim 1-49 and 51.

Once again, Applicant thanks the Examiner for noting in the Examiner's Answer that claims 1-49 and 51 contain allowable subject matter.

Based on the aforementioned, Applicant respectfully submits that all of the now pending claims, claims 1-49 and 51 (claim 50 canceled), are patentable over all of the cited and applied references including Maus et al., Holl, Fujimoto et al., and Yamashita et al. Therefore, Applicant respectfully requests that this case be removed from the Appeal process so that the allowed claims, claims 1 – 49 and 51, may be finally issued and the present application be passed to issue (as soon as possible).

Applicants hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to the charge card identified in the credit card form provided at anytime earlier in the prosecution of the application.

If for any reason the Examiner believes that the present application is not now in

condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below or on my mobile telephone at 703-731-7220.

Respectfully submitted,



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